



HOUSE OF REPRESENTATIVES

HB 2132

lead acid battery sales; fees

Prime Sponsor: Representative Petersen, LD 12

X Committee on Commerce

Caucus and COW

House Engrossed

OVERVIEW

HB 2132 limits the deposit fees charged by lead acid battery sellers to be equal to or less than what they are charged by wholesalers. Allows wholesalers to charge deposit fees to the state, local governments, and private entities that don't resell batteries.

PROVISIONS

1. Adjusts the fee a seller must charge from a maximum of \$15 to not more than the fee a seller is charged per battery by the wholesaler.
2. States that wholesalers selling lead acid batteries to the state, a political subdivision, or a private entity that does not resell batteries may charge a fee that is not more than what they charge to other sellers.
3. Makes technical and conforming changes.

CURRENT LAW

[A.R.S. § 44-1321](#) defines lead acid battery as a battery with a core of elemental lead and a capacity of six or more volts which is suitable for use in a vehicle or boat.

[A.R.S. § 44-1323](#) directs sellers of lead acid batteries to accept all used batteries and to charge a deposit fee of no more than \$15 on all new batteries sold. The fee will be fully refundable if a used battery with a receipt of the purchase of the new battery is presented to the seller within 45 days of the purchase. Sellers may keep any fees that are not properly claimed after 45 days.

Universal recycling symbols must be placed on all batteries sold after July 1, 1991. Written notices are required to be placed in the establishment selling batteries and within the promotional material selling batteries. Exemptions are given for persons whose ordinary course of business does not include selling batteries. Wholesalers that sell batteries to this state, to a political subdivision, or to private entities that do not resell the batteries are subject to this statute; however, the law is silent regarding such wholesalers charging any deposit fee.

ADDITIONAL INFORMATION

[Laws 2010, Ch. 44, § 1](#), increased the fee a seller is allowed to charge from \$5 to a maximum of \$15 and extended the time allowed for the buyer to return the used battery for a full refund from 30 to 45 days.